

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	CHAPTER 7
	§	
DONNA SHUTE PROVENCHER,	§	CASE NO. 19-50339-CAG
	§	
Debtor.	§	

JOSEPH MAZZARA,	§	
	§	
Plaintiff	§	
	§	
vs.	§	ADVERSARY NO. 19-05026
	§	
DONNA SHUTE PROVENCHER,	§	
	§	
Defendant	§	

JOINT MOTION TO ABATE ADVERSARY PROCEEDING

TO THE HONORABLE CRAIG A. GARGOTTA, UNITED STATES BANKRUPTCY JUDGE:

NOW COME JOSEPH MAZZARA, Plaintiff herein (hereinafter “Captain Mazzara” or “Plaintiff”) joined by Defendant, Donna Shute Provencher (hereinafter “Provencher” or “Defendant”) (collectively, the “Parties”) and file this *Joint Motion to Abate Adversary Proceeding* and would respectfully show the Court as follows:

1. On May 23, 2019, Plaintiff filed his Complaint to Determine Dischargeability of Debt Pursuant to 11 U.S.C. § 523(a)(6) [Docket #1].
2. On June 18th, 2019, this Court entered a Scheduling Order setting forth certain deadlines and dates in this matter [Docket #10].
3. On June 20th, 2019, this Court entered its Order Granting Motion of Joseph Mazzara to Lift the Automatic Stay to Allow Lawsuit to Proceed in the lead bankruptcy case [Docket #34]

in BK Case No. 19-50339]. The Order lifted the stay to allow the litigation known as Case No. GV18005269-00 styled *Joseph Mazzara, Plaintiff v. Donna Provencher, Defendant* in the Chesterfield County General District Court in Virginia's 12th Judicial District (the "Virginia Litigation") to proceed.

4. Because the outcome of the Virginia Litigation will greatly impact this adversary proceeding, the Parties have agreed to abate this matter until twenty days after the Virginia Litigation and related appeals, if any, have concluded.

5. The Parties will file another motion with this Court requesting that the abatement be lifted and that a new Scheduling Order be entered.

6. The abatement requested herein is not sought solely for the purposes of the delay, but so that justice be done.

PREMISES CONSIDERED, the Parties pray that the Agreed Order Granting Abatement, filed herewith, be entered and for such other relief as the Court deems just.

Respectfully submitted on June 28, 2019.

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By: /s/ William B. Kingman
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And

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By: /s/ Richard L. Ellison
State Bar No. 06580700

ATTORNEYS FOR DONNA SHUTE PROVENCHER

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served via email and/or through ECF Notification on the following party in accordance with the Federal Rules of Bankruptcy Procedure on this the 28th day of June 2019.

Richard L. Ellison
Richard L. Ellison, P.C.
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/s/ William B. Kingman